

EXHIBIT 8

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,)
Plaintiff,)
vs.) Case No.
UBER TECHNOLOGIES, INC.,) 3:17-cv-00939-WHA
OTTOMOTTO LLC; OTTO)
TRUCKING LLC,)
Defendants.)
-----)

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF SCOTT BOEHMKE

San Francisco, California

Monday, April 17, 2017

Volume I

Reported by:

SUZANNE F. GUDELJ, CSR No. 5111

Job No. 2596382

PAGES 1 - 79

Page 1

1 BY MR. JAFFE:

2 Q Mr. Boehmke, you were interested in talking
3 with Mr. Levandowski because he was going to provide
4 Uber with custom LiDAR technology, right?

5 A He was going to provide a sensor for our 02:16:06
6 cars.

7 Q What kind of a sensor?

8 A A laser sensor -- LiDAR sensor.

9 Q A custom LiDAR sensor?

10 A Correct. 02:16:17

11 Q So again, you'd agree with me, then, that
12 you were interested in talking with Mr. Levandowski
13 because he was going to provide a custom LiDAR
14 solution for Uber, right?

15 A Yes. 02:16:27

16 Q And this was three months, or actually
17 February, March, two and a half to three months
18 since he left at the time Google, right?

19 MR. KIM: Objection to the extent it calls
20 for speculation. 02:16:37

21 THE WITNESS: I don't know when he left
22 Google.

23 BY MR. JAFFE:

24 Q Did you ask him?

25 A No. 02:16:41

1 solution that Fuji solves?

2 A [REDACTED]

3 [REDACTED]

4 Q [REDACTED]

5 [REDACTED]

02:23:13

6 A [REDACTED] --

7 (Reporter clarification.)

8 [REDACTED]

9 [REDACTED]

10 Q Does Uber have any custom LiDAR technology

02:23:26

11 related to [REDACTED]?

12 MR. KIM: Objection. Vague.

13 THE WITNESS: We have demonstrated [REDACTED]

14 [REDACTED], yes.

15 BY MR. JAFFE:

02:23:42

16 Q What's the name of the [REDACTED]?

17 A It's in-house.

18 Q What's the name of it?

19 A I don't have -- don't have a project name.

20 Q When was the first time that it was

02:23:49

21 demonstrated?

22 A [REDACTED]

23 Q Okay. So you said you don't have a project

24 name. When you want to refer to this to your -- to

25 your colleagues, what -- how do you do it?

02:24:06

1 surprise you?

2 A No, it made sense.

3 Q I'm not asking if it made sense. Sorry, my
4 question was a little bit unclear.

5 When you heard about the acquisition, were 02:25:43
6 you surprised because you hadn't found out about it
7 before it was publicly announced?

8 A No.

9 Q Did you know about it in June?

10 A I don't recall. 02:25:54

11 Q What about May?

12 A I couldn't tell you the date we acquired
13 them. I don't recall.

14 Q Sure. I'm asking something a little bit
15 different, which is: When is your first 02:26:01
16 recollection of having an understanding that Uber
17 was in potential discussions to acquire Otto?

18 MR. KIM: Objection. Asked and answered.

19 THE WITNESS: I don't know.

20 BY MR. JAFFE: 02:26:13

21 Q Okay. Are you aware that Uber has claimed
22 in this case that it was having discussions with Mr.
23 Levandowski and Otto about a potential acquisition
24 as early as January 2016?

25 MR. KIM: Objection. Assumes facts not in 02:26:36

Page 21

1 evidence. Lacks foundation.

2 THE WITNESS: I wouldn't know.

3 BY MR. JAFFE:

4 Q Does that surprise you?

5 A No. 02:26:44

6 Q Why not?

7 MR. KIM: Same objections. Lacks
8 foundation, and to the extent it calls for
9 speculation.

10 MR. JAFFE: Mr. Kim, this is almost 02:26:54
11 expressly what his order prohibits. You're --
12 you're coaching the witness on the record.

13 MR. KIM: I disagree with your
14 characterization.

15 BY MR. JAFFE: 02:27:04

16 Q Go ahead.

17 A Could you repeat the question?

18 Q You said it didn't surprise you that Uber
19 was in discussions with Mr. Levandowski and his
20 company about a potential acquisition in 02:27:18
21 January 2016, right?

22 A I don't know when the discussions happened.
23 I don't know who has said that the '16 -- January of
24 '16 there were talks of that.

25 Q My question is you said it didn't surprise 02:27:30

Page 22

1 the sensor that was being developed was not going to
2 solve our problems in the near term and found that
3 the Fuji configuration minimized negative risks that
4 we were having with other suppliers and would make
5 more sense for us. 02:29:01

6 Q Who had these discussions?

7 A James Haslim, Eric Meyhofer and myself.

8 Q Was Mr. Levandowski involved in these
9 discussions?

10 A No, he was not in the room. 02:29:10

11 Q That's not my question. I'm not asking
12 whether he was in the room. Was he involved in
13 these discussions?

14 A Not to my knowledge. He wasn't on the
15 phone, he wasn't in the room, no. 02:29:19

16 Q So you're referring to a particular one
17 discussion; is that right?

18 A No. James came to Pittsburgh after -- I
19 was asking him several times. He came to Pittsburgh
20 and was there for several days during which we had 02:29:33
21 discussions, and he left with the intent to pivot.

22 Q Just so I want to make this clear, your
23 testimony is that Mr. Levandowski had nothing to do
24 with the change from V1 to V2; is that right?

25 MR. KIM: Objection. Mischaracterizes his 02:29:53

1 testimony.

2 THE WITNESS: I'm not aware of other
3 conversations that had Anthony involved. I don't
4 know.

5 BY MR. JAFFE: 02:30:02

6 Q Okay. So that's helpful. So you don't
7 know whether Mr. Levandowski was involved in the
8 transition from V1 to V2, true?

9 A I received no input from Mr. Levandowski
10 that we should or should not pivot. 02:30:15

11 Q Okay. So I'm going to ask my question
12 again because I don't think that was quite
13 responsive.

14 Do you know whether Mr. Levandowski was or
15 was not involved in the transition from V1 to V2? 02:30:24

16 MR. KIM: Objection. Asked and answered.

17 THE WITNESS: To my knowledge, he was not.
18 I do not know.

19 BY MR. JAFFE:

20 Q You don't know? 02:30:39

21 A I do not know.

22 Q Okay. Why was the Version 1 sensor
23 insufficient for Uber's purposes?

24 A Otto was making trucks. They could handle
25 a larger sensor. It was not feasible to put that on 02:31:01

Page 25

1 building a medium range LiDAR sensor?

2 A We were building the pieces to make a LiDAR
3 sensor, yes.

4 Q So the intent at that time was you were
5 going to build a medium range LiDAR sensor; is that 02:36:54
6 right?

7 A No, my intent was to test these
8 technologies.

9 Q Okay. So if I had time traveled back to
10 talk to you, Mr. Boehmke, and I said are you 02:37:02
11 building a medium range LiDAR sensor in
12 December 2015, your testimony is you would say oh,
13 yeah, yeah, we're totally doing that right now; is
14 that right?

15 MR. KIM: Objection. Vague. Improper 02:37:14
16 hypothetical. Incomplete.

17 THE WITNESS: We were making progress
18 towards a sensor, developing the pieces that would
19 be used.

20 BY MR. JAFFE: 02:37:28

21 Q Okay. But at the time in December 2015,
22 you weren't personally contemplating a particular
23 medium range LiDAR sensor, right?

24 A No, in 2015, we were working on [REDACTED]
25 [REDACTED]. 02:37:42